

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed on December 16, 2008. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1, 49, and 50 are amended. No new matter is added. Please cancel claim 48 without prejudice. Claims 40-50 remain pending.

#### **Claim Rejections Under 35 U.S.C. §112**

Claim 48 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 48 is now canceled, rendering the rejection moot.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 40-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Forde et al. in U.S. Patent Application Pub. No. US 2002/0055767. As indicated above, claim 48 is now canceled. Applicants respectfully traverse the rejection.

Regarding claims 40-47, claim 40 is amended to recite that the stent is disposed around the inner shaft and positioned between the inner shaft and the outer shaft. This differs from Forde et al., where the implantable medical device 20 does not appear to be disposed around female locking section 16. Instead, female section 16 “is secured to one end of a medical implant 20.” Paragraph [0027], lines 1-3. Furthermore, nothing in Forde et al. appears to teach or suggest that tubular sheath 18 can be positioned so that implant 20 is disposed between inner shaft 22 and sheath 18 (e.g., over the implant), as claimed. Based on at least these distinctions, Applicants respectfully submit that amended claim 40 is patentable over the cited art. Because claims 41-47 depend from claim 40, they are also patentable for the same reasons as claim 40 and because they add significant elements to distinguish them further from the art.

Regarding claim 49, this claim is similarly amended to recite that the stent is disposed around the inner shaft and positioned between the inner shaft and the outer shaft. For reasons

similar to those set forth above in relation to claim 40, Applicants respectfully submit that this amendment distinguishes the claimed invention from the cited art.

Regarding claim 50, this claim is similarly amended to recite that the stent is disposed around the inner shaft and positioned between the inner shaft and the outer shaft. For reasons similar to those set forth above in relation to claims 40 and 49, Applicants respectfully submit that this amendment distinguishes the claimed invention from the cited art.

**Conclusion**


Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

RICHARD C. GUNDERSON et al.

By their Attorney,

Date: 3-16-2009



J. Scot Wickhem, Reg. No. 41,376  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349